

Exhibit No. 10Date 4-2-07Bill No. HB-462Amendments to House Bill No. 462
3rd Reading Copy

Requested by Representative Diane Sands

For the Senate State Administration Committee

Prepared by Sheri Heffelfinger
April 2, 2007 (2:28pm)

1. Title, page 1, line 8.

Strike: "SECTION"**Insert:** "SECTIONS 2-2-104 AND"

2. Page 1.

Following: line 10**Insert:** "NEW SECTION. Section 1. Definitions. As used in [sections 1 through 3], the following definitions apply:

(1) "Constituent services" means travel, mailing, and other expenses incurred to represent and serve constituents and authorized in rules adopted by the commissioner to implement the provisions of [sections 1 through 3].

(2) "Personal benefit" has the meaning provided in 13-37-240."

Renumber: subsequent sections

3. Page 1, line 16.

Following: "(2)"**Insert:** "(a)(i)"

4. Page 1, line 17.

Following: "."**Insert:** "(ii) Except as provided in subsection (2)(a)(iii), a statewide official or legislator may accept contributions, subject to the limitations provided in [section 3], for deposit in a constituent services account only between the date on which the officeholder closes the officeholder's campaign account under 13-37-240 and the end of the officeholder's term of office or, if the officeholder runs for reelection or election to another office, the earlier of the date when the officeholder opens a campaign account or the date when the officeholder files a declaration for nomination pursuant to 13-10-201 or 13-14-112 or a declaration of intent pursuant to 13-10-211.

(iii) A legislator may not accept contributions for deposit in a constituent services account during a legislative session.

(b) "

Following: "used"**Insert:** "only"

5. Page 1, line 17 through line 18.

Strike: "expenses" on line 17 through "constituents" on line 18

Insert: "constituent services"

6. Page 1, line 18.

Following: "."

Insert: "The money in the account may not be used for personal benefit. Expenditures from a constituent services account may not be made when the holder of the constituent services account also has an open campaign account."

7. Page 1, line 29 through page 2, line 1.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

8. Page 2.

Following: line 6

Insert: "NEW SECTION. Section 3. Contribution limits applicable to constituent services accounts. (1) The holder of a constituent services account may accept contributions for deposit into the account only from an individual. A committee or corporation may not contribute to a constituent services account.

(2) During a term of office, aggregate contributions from one individual to a constituent services account are limited as follows:

(a) for the office of governor or lieutenant governor, not to exceed \$500;

(b) for a statewide office, other than the governor or lieutenant governor, not to exceed \$250;

(c) for a legislator, not to exceed \$130.

(3) A candidate may not accept any contributions in excess of the limits in this section."

Insert: "Section 4. Section 2-2-104, MCA, is amended to read:

"2-2-104. Rules of conduct for public officers, legislators, and public employees. (1) Proof of commission of any act enumerated in this section is proof that the actor has breached the actor's public duty. A public officer, legislator, or public employee may not:

(a) disclose or use confidential information acquired in the course of official duties in order to further substantially the individual's personal economic interests; or

(b) accept a gift of substantial value or a substantial economic benefit tantamount to a gift:

(i) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or

(ii) that the person knows or that a reasonable person in that position should know under the circumstances is primarily

for the purpose of rewarding the person for official action taken.

(2) An economic benefit tantamount to a gift includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of the services. Campaign contributions or contributions to a constituent services account pursuant to [sections 1 through 3] reported as required by statute are not gifts or economic benefits tantamount to gifts.

(3) (a) Except as provided in subsection (3)(b), a public officer, legislator, or public employee may not receive salaries from two separate public employment positions that overlap for the hours being compensated, unless:

(i) the public officer, legislator, or public employee reimburses the public entity from which the employee is absent for the salary paid for performing the function from which the officer, legislator, or employee is absent; or

(ii) the public officer's, legislator's, or public employee's salary from one employer is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.

(b) Subsection (3)(a) does not prohibit:

(i) a public officer, legislator, or public employee from receiving income from the use of accrued leave or compensatory time during the period of overlapping employment; or

(ii) a public school teacher from receiving payment from a college or university for the supervision of student teachers who are enrolled in a teacher education program at the college or university if the supervision is performed concurrently with the school teacher's duties for a public school district.

(c) In order to determine compliance with this subsection (3), a public officer, legislator, or public employee subject to this subsection (3) shall disclose the amounts received from the two separate public employment positions to the commissioner of political practices."

{ Internal References to 2-2-104:

x20-25-109} "

Renumber: subsequent sections

9. Page 2, line 13.

Strike: "1"

Insert: "2"

10. Page 2, line 18.

Strike: "[Section 1] is"

Insert: "[Sections 1 through 3] are"

11. Page 2, line 19.

Strike: the first "part 2,"

Strike: the second "part 2,"

Strike: "[section 1]"

Insert: "[sections 1 through 3]"

- END -

Explanation - This set of amendments is **OPTION C** with respect to contributions. It allows contributions to constituent services accounts but limits those contributions to specified amounts depending on the office. These amendments cannot be adopted with either **HB046207.ash** or **HB046208.ash**.

This set of amendments is the same as **07** and **08** in all other respects.